

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) William F. Davis 162762
(Name of Plaintiff) (Inmate Number)

1181 Paddock Rd Smryna De. 19977
(Complete Address with zip code)

(2) William F. Davis 162762
(Name of Plaintiff) (Inmate Number)

1181 Paddock Rd Smryna De. 19977
(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Captain Emmitt

(2) Raphael Williams

(3) Commissioner Stan Taylor
(Names of Defendants)

Inmate Bryan Casey
(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

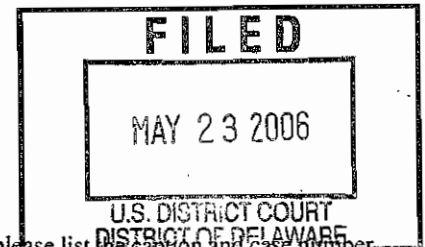
- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

William Frederick Davis III, - Plaintiff - V.
Raphael Williams, First correction Medical, DR. Boston,
Brian Casey, Correctional Officer Davits, Captain Emmitt,
Correctional Officer Reginald Mayes and Debra Muscarella.
civ. No. 05-067-SLR

6 - 3 4 3
(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested



BD scanned
IFP

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • ☒ Yes • • No
- C. If your answer to "B" is Yes:
1. What steps did you take? Talked to cpt. Emmitt, wrote letters to all the higher-ups - put in Grievances
 2. What was the result? Cpt. Emmitt said I cannot press charges, Higher ups gave no response, prison staff said they received no grievances
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Captain Emmitt
 Employed as Captain at Howard B. Young Correctional Inst.
 Mailing address with zip code: Wilmington De, 19801
- (2) Name of second defendant: Raphael Williams
 Employed as Warden at Howard B. Young Correctional Inst.
 Mailing address with zip code: Wilmington De, 19801
- (3) Name of third defendant: Stan Taylor
 Employed as Commissioner at _____
 Mailing address with zip code: _____

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

(4) Brian Casey - Inmate ²

Address - N/A

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. May 31st, 2004 Captain Emmitt, Internal Affairs, delivered
indifference pertaining to the assault on me from
Brian Casey while I was in the breakfast line. Brian
Casey Broke my jaw which was fixed with pins and screws.
Mr Casey went to the Hole but cpt. Emmitt refused to let me press charges.
2. Warden Raphael Williams was notified about the assault,
and I, William Davis wrote letters to him about the assault
and got no response, I also wrote the NAACP and they to did
not want to get involved - I am still suffering from pain
and numbness on both sides of my jaw
3. Stan Taylor is in charge of all correctional institutions,
and it is to my understanding that he is notified of major
assaults such as mine and he to failed to do anything
about the incident.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Compensation from pain and suffering due to injury
to my jaw which was broken, in the amount of 1,000,000.00
(one million dollars)

2. Brian Casey for punitive damages. Reason: called me
a child molester, and that was his reason for assaulting
me and harrasing me.
3. Captain Emmitt - Punitive damage - For not properly
investigating Incident. He told me I could not press
charges against inmate Brian Casey. Being deliberately
indifferent

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21 day of may, 2006

William Davette
(Signature of Plaintiff 1)

William A. Davette
(Signature of Plaintiff 2)

William A. Davette
(Signature of Plaintiff 3)

UNITED STATES OF AMERICA

UNIT 162762

DELAWARE CORRECTIONAL CENTER

1111 PADDOCK ROAD

DOVER, DELAWARE 19901

19850

MAY

22

2001

WILMINGTON, DE

Office of the Clerk
United States District Court
844 N. King Street, Lock box, 18
Wilm, Del
19801-3570

B
William F DAVIS ~~III~~

SDI# 162762 1-C-16

H.R.Y.C.I, Po Box 9561

Wilmington Del. 19809

RE: Civil Action ~~XXXXXXXXXXXXXXXXXXXX~~

Capt. Williams

H.R.Y.C.I, Po Box 9561

Wilmington Del 19809

Dear Capt. Williams

I In regards to the above Captioned
Civil action where in inmate Brian
Casey Broke my Jaw on May, 31, 2004,
Subsequently Inmate Brian Casey was
sent to the hole for his actions. Officer
McReynolds witnessed the incident
and I was not at fault and I was
not disciplined. Capt. Emitt investigated
the incident and forward the information
to the attorney general office and
Capt Emitt stated ~~that~~ they will not
press charges against Brian Casey.

To: United States District Court
 From: William Frederick Davis III
 RE: State of Delaware Department of Corrections (SDDOC)
 and Medical Department SDDOC Complaint Statement

Statement

①

The statement hereof is about an incident that occurred in the yard of 1D pod on July 16, 2004 and its mitigating circumstances. There on 1D pod yard, inmate Brian Casey pushed me with his hands in my face. Officer Davis did not document the incident on the 4 to 12 shift and no documents were ever Doc generated about it. And Mr. Casey was not disciplined, but I did file a grievance on the same day (attached). Later in the week inmate Casey again pushed me in the face playing basketball in front of Officer Maze of the 4 to 12 shift and again the incident was not documented nor was Casey disciplined.

Two weeks later on July 30, 2004 during breakfast, Brian Casey called me a child molester (I have burglary crimes). We stood face to face during his accusation and when I turned my back, Mr. Casey punched me in my mouth shattering my jaw on both sides. A code was called and officers took me to the infirmary. The infirmary nurse quickly looked at my mouth putting a gauze bandage upon it. The action was an attempt to stop the bleeding inside my mouth but the bleeding was excessive and did not stop. The blood welled up in my mouth several times and I was forced to swallow the blood in order to breathe. The bleeding stopped on its own without anymore help from the nurse as no more help was ever rendered in the infirmary. I was sent back to the pod with the gauze bandage in place on my face. Once in my cell, I was able to see my jaw in the mirror noticing it was extremely crooked and off alignment.

I couldn't move my jaw except with my hand feeling that several breaks were there. As a result, I didn't and couldn't eat for five days. My jaw could not be moved with my mouth to eat. I told the Doc officers many times that I couldn't eat because the jaw was broken and my complaint was ignored. After the five days, my pod Counselor Ms. Deborah called the infirmary, and it was admitted, but lay there another six days with a broken jaw before being seen by a surgeon. The Doc officers were Officers Mays and Reynolds. Brian Casey was on 1D pod prior to my complaint.

At that time mental health procedures were followed. Mr. Casey was removed from the pod for displaying inappropriate behavior, i.e., loud speaking, pushing and touching people, profane language, etc. But three months later Mr. Casey returned to 1D pod displaying the same behavior. In the return of Casey, Security Staff did not use the normal Transition Unit Level System (attached Exhibit "A") being deliberately indifferent to me and jeopardizing my life and mental health stability. (2) statement

- 1) I was pushed in the face twice on 7-16-2004 and 7-20-2004 with Security Staff present but I was deliberately ignored and nothing was documented. Brian Casey was never disciplined at either incident scene.
- 2) Many inmates were talking about me as a child molester but I am in prison for burglary. The fact hereof is pertinent as it made me vulnerable to the poor behavior of Brian Casey who had the same opinion of me calling me a child molester.
- 3) My jaw was shattered severely on both sides by Brian Casey. I was operated upon from under my chin which has two obvious scars now. Eleven metal screws were used attempting to mend the jaw. My lower lip is still swollen after the operation of August 11 almost two months ago as of the writing hereof. I am constantly slobbering and numbness remains in my chin. It took eleven days before surgery was done. The pain is often unbearable even now.
- 4) My mental health has gotten worse as a result of the injury. Depression and concern about family life conditions with my appearance being altered. Loss of my right to a social and family life are existent.
- 5) Captain Emitt, many times, deliberately ignored me about my questions involving the incidents regarding discipline of Casey and the documenting of the incidents not occurring.